

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELAINE ARMSTEAD,)
)
 PLAINTIFF,)
)
 V.)
)
 ALLSTATE PROPERTY & CASUALTY)
 INSURANCE COMPANY,)
)
 DEFENDANT.)
)

Case No: 1:14-CV-586-WSD

**FINCH'S MOTION FOR RECONSIDERATION OF THE COURT'S NOVEMBER
21, 2017 ORDER DENYING SUPERSEDEAS AND REQUIRING POSTING OF
BOND**

Attorney Sandra Finch ("Respondent") by and through the undersigned,
hereby files her request for the Court to Reconsider The Court's November 21,
2017 Order Denying Supersedas and Requiring Posting of Bond and shows the
Court as follows:

ARGUMENT

- I. THE COURT IGNORED RESPONDENT'S ARGUMENT UNDER BOTH O.C.G.A. § 9-11-62(f) and O.C.G.A. 5-6-46(a) WHICH WHEN READ TOGETHER ELIMINATE THE REQUIREMENT OF THE POSTING OF BOND.**

In its Order, the Court states that Respondent cites to O.C.G.A. 9-11-62(d) as the basis for her argument that she should not be required to post bond. That is

untrue and a gross mischaracterization of Respondent's argument. Respondent clearly cited to O.C.G.A. 9-11-62(f) which states as follows:

Stay in Favor of Judgement Debtor Under State Law.

If a judgment is a lien on the judgment of debtor's property under the law of the state where the court is located, the judgment debtor is entitled to the same stay of execution the state court would give.

(Doc. 191 at p. 2) Respondent also clearly cited to O.C.G.A. § 5-6-46(a) which provides that "the notice of appeal... shall serve as supersedeas". (Id. at p. 3)

Georgia law clearly provides that the filing of a Notice of Appeal acts as an automatic stay pending appeal. O.C.G.A. § 9-11-62(d) is not relevant to the analysis, nor does Respondent claim that it is. The reference to O.C.G.A. §9-11-62(d) was clearly a typo from the case reference *in Dekalb County School Dist, v. J.W.M.*, 445 F. Supp. 2d 1371, 1377 (N.D. Ga. 2006) which stated as follows: "because DCSD would be entitled to a stay upon appeal without having to post a supersedeas bond if this appeal had been filed in state court, under **Rule 62(f)** DCSD is entitled to a stay pending its appeal in this Court." The Dekalb County case makes it clear that Rule 62(f) is the applicable rule and that no bond is required.

Respondent also objects to the lack of notice by this Court, providing orders over holiday weekends, with little notice. Respondent was away for the holidays and did not receive this order until today, November 28th, 2017. It is unclear why

the Court has such little regard for due process, which seems to be a pattern of abuse by this Court. One can only surmise that this Court is biased by some malicious intent and unable to follow the law, especially considering that the dismissed with prejudice Defendant in this case has not asked for attorney fees. This Court's conduct undermines the settlement process and discourages final resolution of cases. One can never be sure that settlement of a case in Judge Williams S. Duffey's courtroom means settlement of the case.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court reconsider its Order and grant the stay as requested and remove the requirement to pay a bond.

Respectfully submitted this 28th day of November, 2017.

/s/ Sandra Finch
Sandra Finch
GA Bar No.: 446276

The Russell's Law Firm, PLC
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CERTIFICATE OF SERVICE

I HEREBY CERITIFY that I have this day electronically filed the foregoing
**FINCH'S REQUEST FOR RECONSIDERATION OF THE COURT'S
NOVEMBER 21, 2017 ORDER DENYING SUPERSEDEAS AND
ORDERING RESPONDENT TO POST BOND** with the clerk of Court using
the CM/ECF system which will automatically send email notification of such filing
to the following counsel of record:

Marvin Dikeman
Melissa Patton
Webb, Zschunke, Neary & Dikeman, LLP
2490 Securities Centre, Suite 1210
3490 Piedmont Road
Atlanta, GA 30305

This 28TH day of November, 2017.

/s/ Sandra Finch
Sandra Finch
GA Bar No.: 446276

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